

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TANIELLE SHURNEY,

Plaintiff,

vs.

No. CA 05-196 Erie

**SCOTT'S ECONO INN, INC.
SCOTT'S SPLASH LAGOON, INC.**

**SEAN PIERCE, INDIVIDUALLY AND
IN
HIS CAPACITY AS A TROOPER OF
THE PENNSYLVANIA STATE POLICE**

**JOHN DOE, INDIVIDUALLY AND IN
HIS CAPACITY AS THE SUPERVISOR
OF TROOPER SEAN PIERCE OF THE
PENNSYLVANIA STATE POLICE**

Defendants

**DEFENDANT SCOTT'S SPLASH
LAGOON, INC.'S REQUEST FOR
ADMISSIONS TO PLAINTIFF**

Filed on behalf of Scott's Splash Lagoon,
Inc.

Counsel of Record for these parties:

Gary D. Bax, Esq.

MURPHY TAYLOR, L.L.C.
900 State Street, Suite 202
Erie, Pennsylvania 16501
Telephone: (814) 459-0234
Fax: (814) 456-2540
Email: G_Bax@msn.com
PA38520

JURY TRIAL DEMANDED

**DEFENDANT SCOTT'S SPLASH LAGOON, INC.'S REQUEST
FOR ADMISSIONS TO PLAINTIFF**

NOW COMES the Defendant, Scott's Splash Lagoon, Inc., by and through its attorneys, MURPHY TAYLOR, L.L.C. and propounds these Requests for Admission to Plaintiff Tanielle Shurney, requiring responses within thirty days after service.

If objection is made, the reasons for the objection shall be stated. Plaintiff's answer must specifically admit or deny the matter or set forth in detail the reasons why Plaintiff cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that Plaintiff qualify an answer or deny only a part of the matter to which an admission is requested, she shall specify so much of it as is true and qualify or deny the remainder. The Plaintiff may not give lack of information or knowledge as a reason for failure to admit or deny unless she states that she has made reasonable inquiry and the information known or readily obtainable to her is insufficient to enable her to admit or deny. The Plaintiff may not object to the request on the basis that the matter of which an admission has been requested presents a genuine issue for trial.

Accordingly, please admit or deny the following:

1. Plaintiff Tanielle Shurney made a reservation for Splash Lagoon Resort on June 26, 2004.

ADMIT _____

DENY _____

2. Tonya Traylor was the owner of a Key Bank account, with a debit card number 5449270911030937, on June 26, 2004.

ADMIT_____

DENY_____

3. Tonya Traylor's debit card number was used to secure Tanielle Shurney's reservation with Splash Lagoon Resort.

ADMIT_____

DENY_____

4. Tanielle Shurney's bank account was debited on June 26, 2004 in the amount of \$198.79, this amount being the charge assessed by Splash Lagoon Resort.

ADMIT_____

DENY_____

5. Tonya Traylor did not authorize Tanielle Shurney or anyone acting on Tanielle Shurney's behalf to use her debit card number for any purpose, including making a reservation at Splash Lagoon Resort.

ADMIT_____

DENY_____

6. Tonya Traylor reported the unauthorized use of her debit card number to Officer Jon Hurley of the Streetsboro, Ohio police department on June 30, 2004.

ADMIT_____

DENY_____

7. Officer Jon Hurley of the Streetsboro, Ohio police department commenced a debit card fraud investigation, based on the information provided to him by Tonya Traylor on June 30, 2004.

ADMIT_____

DENY_____

8. Officer Hurley contacted the Splash Lagoon reservation center about the debit card fraud investigation, and instructed Splash Lagoon and Econolodge employees to contact the Pennsylvania State Police when the reservation made under the name of Tanielle Shurney was redeemed.

ADMIT_____

DENY_____

9. Neither Econolodge employees or Splash Lagoon employees initiated prosecution of Tanielle Shurney for the unauthorized use of Tonya Traylor's debit card number.

ADMIT_____

DENY_____

10. Plaintiff Tanielle Shurney was arrested on July 3, 2004 by the Pennsylvania State Police.

ADMIT_____

DENY_____

11. After her arrest, the Plaintiff was arraigned on July 3, 2004 before a Pennsylvania

district justice, probable cause was found for her arrest in the arraignment proceeding, and she was remanded to the Erie County prison.

ADMIT_____

DENY_____

12. At the time of Tanielle Shurney's arrest, Tonya Traylor had reported the theft of \$198.79 from her Key Bank account, which was stolen through the use of her debit card number 5449270911030937, and this same debit card paid for Tanielle Shurney's room reservation.

ADMIT_____

DENY_____

Respectfully submitted,

MURPHY TAYLOR, L.L.C.

By: "s/"Gary D. Bax, Esq.
Gary D. Bax, Esq.
900 State Street, Suite 202
Erie, Pennsylvania 16501
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Fax: (814)456-2540
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Attorneys for Scott's Splash Lagoon, Inc.

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Defendants

CERTIFICATE OF SERVICE

Filed on behalf of Scott's Splash Lagoon,
Inc.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Defendant Scott's Splash Lagoon, Inc.'s Request for Admissions to Plaintiff was served by regular mail upon all counsel of record, this 19th day of January, 2006.

Respectfully submitted,

MURPHY TAYLOR, L.L.C.

By: "s/"Gary D. Bax, Esq.
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